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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.622 of 1987

Anand Kumar & Others Petitioners

Versus

Union of India & Others. Respondents.

Hon. S. Zaheer Hasan, V.C.
Hon. Ajay Johri, A.M.

(By Hon. S. Zaheer Hasan, V.C.)

Writ Petition Jo. 5196 of 1985 pending in the High Court of Judicature at Allahabad has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. Anand Kumar, A.K.Verma, S.M.Abbas and P.C. Nanda have filed this writ petition for fixation of their salaries in higher scale in view of notification (Annexure-I) dated 8.12.1955 and to pay the necessary arrears. The petitioners' case is that they are civilians in the Defence Services and were appointed as Telephone Operators in 508, Army Base Workshop Fort, Allahabad. They were in the grade of 110-180 and according to the notification (Annexure-I) they should have been given the grade of 110-240.

3. The defence is that the petitioners were happily receiving the said scale of Rs.110-180 and at no point of time they agitated the matter. In 1976 the petitioners represented for the first time that their juniors were getting more pay and so the anomaly should be removed. So at this belated

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stage no change can be made. In short the petitioners' case is that they were drawing pay in the scale of Rs. 110 - 180 and in view of the notification (Annexure-I) dated 8.12.1955 they should be given the scale of Rs. 110-240. The only argument made before us was that the scale of Rs.110 - 240 cannot be given to the petitioners because they were happily receiving the pay in the said scale and at no point of time they agitated the matter and at this belated stage they cannot be allowed the scale of Rs.110 - 240. According to Annexure-I, the copy of the letter of Govt. of India, Ministry of Defence dated 8.12.1955 " the higher scale will be allowed to Telephone Operators employed in offices etc. in which the conditions of service and work are similar to those obtaining in the Posts & Telegraphs Department, i.e. if the following conditions are satisfied :-

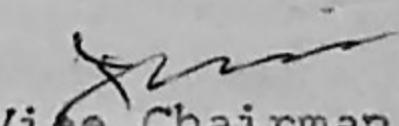
- (i) The operators perform 45 hours duty per week;
- (ii) They are not entitled to holidays, and
- (iii) They perform night duty."

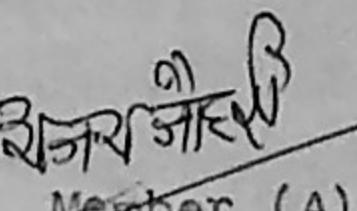
It has not been disputed that the petitioners fulfil all these three conditions. It may be added that the Commandant has recommended their case in this connection. No other point was pressed before us. In view of the above, the respondents are

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directed to fix the salaries of the petitioners in the scale of Rs. 110 - 240 as prayed by them and to pay the arrears according to rules. The application (Writ Petition No. 5196 of 1985) is disposed of accordingly with costs on parties.


Vice Chairman


Member (A)

Dated the 30 Nov., 1987

RKM